

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES JARVIS and KARON JARVIS, :

Plaintiffs, :

-against- : 07 CIV. 8181 (RMB)

VARIAN MEDICAL SYSTEMS, INC., :

Defendant. :

ORDER: (1) PURSUANT TO 28 U.S.C. §1447(E), FEDERAL RULE OF CIVIL PROCEDURE 15, AND FEDERAL RULE OF CIVIL PROCEDURE 20, GRANTING PLAINTIFFS PERMISSION TO JOIN AS DEFENDANTS IN THE INSTANT ACTION JAMES BUTLER, M.D. AND MONTEFIORE MEDICAL CENTER, THE RESULT OF WHICH WOULD BE A LOSS OF DIVERSITY JURISDICTION REQUIRING REMAND TO THE NEW YORK STATE SUPREME COURT, BRONX COUNTY, OF THE ENTIRE ACTION.

Plaintiffs Charles Jarvis and Karon Jarvis, having filed a motion seeking permission to join as party defendants James Butler, M.D. and Montefiore Medical Center, the result of which would be a loss of diversity jurisdiction requiring remand to the New York State Supreme Court, Bronx County, of the entire action, and defendant Varian Medical Systems, Inc. having been given full notice of the motion, and James Butler, M.D. and Montefiore Medical Center having been given full notice of the motion, and due consideration have been had; it is now hereby

ORDERED:

(1) Pursuant to 28 U.S.C. §1447(e), Federal Rule of Civil Procedure 15, and

Federal Rule of Civil Procedure 20, that plaintiffs Charles Jarvis and Karon Davis are granted permission to join as defendants in the instant action James Butler, M.D. and Montefiore Medical Center, the result of which would be a loss of diversity jurisdiction requiring remand to the New York State Supreme Court, Bronx County, of the entire action; and

(2) The instant action is remanded to New York State Supreme Court, Bronx County, under the Index No. 018761/2007.

Dated: November __, 2007
New York, New York

HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT COURT JUDGE